

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

AMG SERVICES, INC., *et al.*,

Defendants.

2:12-cv -00536-GMN-VCF

ORDER

**(Emergency Motion For Protective Order #188
and Cross Motion to Compel #207)**

Before the Court is the Tribal-Chartered Defendants' *Emergency* Motion For Protective Order. (#188). The Federal Trade Commission (hereinafter "FTC") filed a Sealed Response (#204), a Redacted Response (#205), a Declaration (#206), and a Cross-Motion to Compel Deposition Answers and Production of Documents (#207). The court held a hearing on October 12, 2012.

Relevant Facts

On September 14, 2012, the FTC transmitted Notices of Depositions to the Tribal-Chartered Defendants. (#188-1). The FTC's deposition notices provided seven (7) specific topics for the Rule 30(b)(6) depositions. *Id.* On September 28, 2012, the Tribal-Chartered Defendants filed an *emergency* motion for protective order, asking this court to enter an order stating that they are not required to appear at the depositions noticed for October 4, 17 and 18, 2012, pending the court's ruling on the motion. (#188). The Tribal-Chartered Defendants also asked this court to limit the scope of the deposition topics as noticed (#188-1). *Id.*

On October 1, 2012, the court entered an order granting in part and denying in part the Tribal-Chartered Defendants' motion for protective order (#188) with respect to the October 4, 2012, deposition. (#190). The court ordered the parties to proceed with the October 4, 2012, 9:00 a.m. Rule 30(b)(6) deposition of Defendant SFS, Inc. as noticed (#188-1), limited the deposition to four (4) hours, and limited the topics as noticed. *Id.* The court held that the FTC may file an opposition to the Tribal-Chartered Defendants' motion (#188) "with respect to the October 17th and 18th depositions, on or before 4:00 p.m. on October 10, 2012, which will include, as an exhibit, an expedited copy of the transcript of the October 4, 2012, deposition." *Id.* The court scheduled a hearing for October 12, 2012, at 1:30 p.m. in Courtroom 3B. *Id.*

Tribal-Chartered Defendant SFS, Inc.'s Rule 30(b)(6) witness Lee W. Ickes was deposed on October 4, 2012, at 9:05 a.m. (#204-1). On October 10, 2012, the FTC filed a motion to seal response (#203), a sealed response (#204), a redacted response (#205), a declaration (#206), and a cross-motion to compel deposition answers and production of documents (#207). The October 4, 2012, deposition transcript was filed under seal (#204-1) pursuant to SFS, Inc.'s request that the deposition transcript be deemed "Confidential" under the confidentiality and protective order. (#203). On October 11, 2012, the court granted the FTC's motion to seal response (#203). (#210). The court held a hearing on October 12, 2012.

Discussion

A. Deposition Topics

Upon a review of the moving papers (#188, #204, and #206), the court amends the topics for the remaining expedited Rule 30(b)(6) depositions as follows:

- (1) The formation, organizational structure and hierarchy of the Tribal-Chartered Defendant.
- (2) The identity of persons who control the Tribal-Chartered Defendant and/or its assets.

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2 (3) The formation of, performance under, and payments pursuant to any agreement(s)
3 entered into by the Tribal-Chartered Defendant in furtherance of its short-term lending business.

4 (4) Operation and day-to-day management of the Tribal-Chartered Defendant.

5 (5) Identification of what tribal programs and services, or the like, that the Tribal-Chartered
6 Defendant's revenues support.

7 (6) Distribution of the Tribal-Chartered Defendant's revenues and earnings, including
8 division of profits among owners, employee compensation, contractor costs, provision of tribal
9 government services, and tribal government access to Tribal-Chartered Defendant's financial
10 information. Inquiry not to be cut-off on the ground that a transfer of funds involved a
11 co-defendant.
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13 (7) The Tribal-Chartered Defendant's responses to the FTC's expedited document requests,
14 interrogatories, and requests for admissions, including the basis and facts supporting the
15 Tribal-Chartered Defendant's responses to these written discovery requests and the authenticity,
16 creation, use and custodial history of the documents produced.

17 (8) Tribal regulation of the Tribal-Chartered Defendant's lending activity.
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19 **B. Production of Documents**

20 The court agrees with the FTC that the Tribal-Chartered Defendants' financial documents as
21 requested in the FTC's expedited discovery requests (#206 Exhibits B, C, D, and E) are within the scope
22 of expedited discovery ordered by the court. (#207). All Tribal-Chartered Defendants must produce
23 the following documents via electronic mail not later than 11:00 AM PDT, October 16, 2012:
24 Tribal-Chartered Defendants' Financial Statements, as defined in the FTC's Expedited Document
25 Requests (#206 Exhibits B, C, D, and E), annual reports, balance sheets, federal, state and tribal income

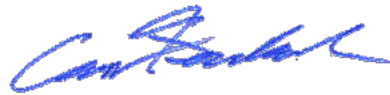
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2 tax returns, profit and loss statements, and statements of income and expenses from 2002 through the
3 present.

4 Accordingly and for good cause shown,

5 IT IS HEREBY ORDERED that the remaining Rule 30(b)(6) deposition topics are amended as
6 outlined above.

7 IT IS FURTHER ORDERED that the FTC's Cross-Motion to Compel Deposition Answers and
8 Production of Documents (#207) is GRANTED in part and DENIED in part as discussed above. The
9 Tribal-Chartered Defendants must produce the documents listed above via electronic mail not later than
10 October 16, 2012, 11:00 AM PDT.
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12 DATED this 12th day in October, 2012.



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14 CAM FERENBACH
15 UNITED STATES MAGISTRATE JUDGE
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